Permit No. TX0007048

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C... 1251 et. seq; the "Act"),

The Lubrizol Corporation
P.O. Box 158
Deer Park, Texas 77536

is authorized to discharge from a facility located on Tidal Road in Harris County, Texas

to receiving waters named Patrick's Bayou; thence to the Houston Ship Channel in Segment No. 1006 of San Jacinto River Basin

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I (14 pages), II (6 pages), and III (6 pages) hereof.

This permit shall become effective on October 25, 1993

This permit and the authorization to discharge shall expire at midnight, January 15, 1995

Signed and issued this 24th day of Sep

prepared by

Allen T. Chang
Allen T. Chang
Toxics Control Section
(6W-PT)

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

1 - Permit/CD
2 - AC & AO mail
3 - DMR's
4 - Fin. Surv. Log
5 - NCR
6 - Correspondence
7 - ORAS
Date Filed

10/25/93 - 1/15/95

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001

During the period beginning January 16, 1991 and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001: treated process wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
BOD_5	104	194	N/A	N/A
TSS	328	790	N/A	N/A
TOC	834	1488	N/A	N/A
Oil & Grease	83	180	N/A	N/A
Ammonia - N	96	192	N/A	N/A
Acenaphthene	0.15	0.39	N/A	N/A
Acrylonitrile	0.64	1.6	N/A	N/A
Benzene	0.25	0.9	N/A	N/A
Carbon Tetrachloride	0.12	0.25	N/A	N/A
Chlorobenzene	0.1	0.19	N/A	N/A
1,2,4-Trichlorobenzene	0.45	0.93	N/A	N/A
Hexachlorobenzene	0.1	0.19	N/A	N/A
1,2-Dichloroethane	0.45	1.4	N/A	N/A
1,1,1-Trichloroethane	0.14	0.36	N/A	N/A
Hexachloroethane	0.14	0.36	N/A	N/A
1,1-Dichloroethane	0.15	0.39	N/A	N/A
1,1,2-Trichloroethane	0.14	0.36	N/A	N/A
Chloroethane	0.69	1.77	N/A	N/A
Chloroform	0.14	0.3	N/A	N/A
2-Chlorophenol	0.21	0.65	N/A	N/A
1,2-Dichlorobenzene	0.51	1.08	N/A	N/A
1,3-Dichlorobenzene	0.21	0.29	N/A	N/A
1,4-Dichlorobenzene	0.1	0.19	N/A	N/A
1,1-Dichloroethylene	0.11	0.17	N/A	N/A
1,2-trans-Dichloroethylene	0.14	0.36	N/A	N/A
2,4-Dichlorophenol	0.26	0.74	N/A	N/A
1,2-Dichloropropane	1.01	1.52	N/A	N/A

1,3-Dichloropropylene	0.19	0.29	N/A	N/A
2,4-Dimethylphenol	0.12	0.24	N/A	N/A
2,4-Dinitrotoluene	0.75	1.89	N/A	N/A
2,6-Dinitrotoluene	1.69	4.24	N/A	N/A
Ethylbenzene	0.21	0.72	N/A	N/A
Fluoranthene	0.17	0.45	N/A	N/A
Bis(2-Chloroisopropyl)Ether	1.99	5.01	N/A	N/A
Methylene Chloride	0.26	0.59	N/A	N/A
Methyl Chloride	0.57	1.26	N/A	N/A
Hexachlorobutadiene	0.13	0.32	N/A	N/A
Naphthalene	0.15	0.39	N/A	N/A
Nitrobenzene	0.18	0.45	N/A	N/A
2-Nitrophenol	0.27	0.46	N/A	N/A
4-Nitrophenol	0.48	0.82	N/A	N/A
2,4-Dinitrophenol	0.47	0.81	N/A	N/A
4,6-Dinitro-o-Cresol	0.52	1.83	N/A	N/A
Phenol	0.1	0.17	N/A	N/A
Bis(2-Ethylhexyl) Phthalate	0.68	1.85	N/A	N/A
Di-n-Butyl Phthalate	0.18	0.38	N/A	N/A
Diethyl Phthalate	0.54	1.34	N/A	N/A
Dimethyl Phthalate	0.13	0.31	N/A	N/A
Benzo(a)anthracene	0.15	0.39	N/A	N/A
Benzo(a)pyrene	0.15	0.4	N/A	N/A
3,4-Benzofluoranthene	0.15	0.4	N/A	N/A
Benzo(k)fluoranthene	0.15	0.39	N/A	N/A
Chrysene	0.15	0.39	N/A	N/A
Acenaphthylene	0.15	0.39	N/A	N/A
Fluorene	0.15	0.39	N/A	N/A
Phenanthrene	0.15	0.39	N/A	N/A
Pyrene	0.17	0.44	N/A	N/A
Tetrachloroethylene	0.15	0.37	N/A	N/A
Toluene	0.17	0.53	N/A	N/A
Trichloroethylene	0.14	0.36	N/A	N/A
Vinyl Chloride	0.69	1.77	N/A	N/A
Total Chromium	7.35	18.34	N/A	N/A
Total Copper	0.07	0.07	N/A	N/A
Total Cyanide	0.14	0.14	N/A	N/A
Total Lead	0.34	0.73	N/A	N/A
Total Nickel	0.31	0.65	N/A	N/A
Total Zinc	1.86	3.94	N/A	N/A

	DAILY AVERAGE MINIMUM(*2)	7-DAILY MINIMUM (*3)
Whole Effluent Lethality (7-Day NOEC) (*1)	27%	27%

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Continuous	Record
BOD_5	2/week	24-hr. composite
TSS	2/week	24-hr. composite
TOC	1/day	24-hr. composite
Oil & Grease	2/week	Grab
Temperature	3/day	In Situ
Ammonia - N	1/week	24-hr. composite
Acenaphthene	1/year	24-hr. composite
Acrylonitrile	1/year	24-hr. composite
Benzene	1/year	24-hr. composite
Carbon Tetrachloride	1/year	24-hr. composite
Chlorobenzene	1/year	24-hr. composite
1,2,4-Trichlorobenzene	1/month	24-hr. composite
Hexachlorobenzene	1/year	24-hr. composite
1,2-Dichloroethane	1/year	24-hr. composite
1,1,1-Trichloroethane	1/year	24-hr. composite
Hexachloroethane	1/year	24-hr. composite
1,1-Dichloroethane	1/year	24-hr. composite
1,1,2-Trichloroethane	1/year	24-hr. composite
Chloroethane	1/year	24-hr. composite
Chloroform	1/year	24-hr. composite
2-Chlorophenol	1/year	24-hr. composite
1,2-Dichlorobenzene	1/year	24-hr. composite
1,3-Dichlorobenzene	1/year	24-hr. composite
1,4-Dichlorobenzene	1/year	24-hr. composite
1,1-Dichloroethylene	1/year	24-hr. composite
1,2-trans-Dichloroethylene	1/year	24-hr. composite
2,4-Dichlorophenol	1/year	24-hr. composite
1,2-Dichloropropane	1/year	24-hr. composite
1,3-Dichloropropylene	1/year	24-hr. composite
2,4-Dimethylphenol	1/year	24-hr. composite
2,4-Dinitrotoluene	1/year	24-hr. composite
2,6-Dinitrotoluene	1/year	24-hr. composite
Ethylbenzene	1/month	24-hr. composite
Fluoranthene	1/year	24-hr. composite
Bis(2-Chloroisopropyl)Ether	1/year	24-hr. composite
Methylene Chloride	1/year	24-hr. composite
Methyl Chloride	1/year	24-hr. composite
Hexachlorobutadiene	1/year	24-hr. composite
Naphthalene	1/year	24-hr. composite
Nitrobenzene	1/year	24-hr. composite
2-Nitrophenol	1/year	24-hr. composite
4-Nitrophenol	1/year	24-hr. composite
2,4-Dinitrophenol	1/year	24-hr. composite

4,6-Dinitro-o-Cresol	1/year	24-hr. composite
Phenol	1/week	24-hr. composite
Bis(2-Ethylhexyl) Phthalate	1/year	24-hr. composite
Di-n-Butyl Phthalate	1/year	24-hr. composite
Diethyl Phthalate	1/year	24-hr. composite
Dimethyl Phthalate	1/year	24-hr. composite
Benzo(a)anthracene	1/year	24-hr. composite
Benzo(a)pyrene	1/year	24-hr. composite
3,4-Benzofluoranthene	1/year	24-hr. composite
Benzo(k)fluoranthene	1/year	24-hr. composite
Chrysene	1/year	24-hr. composite
Acenaphthylene	1/year	24-hr. composite
Fluorene	1/year	24-hr. composite
Phenanthrene	1/year	24-hr. composite
Pyrene	1/year	24-hr. composite
Tetrachloroethylene	1/year	24-hr. composite
Toluene	1/week	24-hr. composite
Trichloroethylene	1/year	24-hr. composite
Vinyl Chloride	1/year	24-hr. composite
Total Chromium	1/year	24-hr. composite
Total Copper	1/month	24-hr. composite
Total Cyanide	1/month	24-hr. composite
Total Lead	1/month	24-hr. composite
Total Nickel	1/month	24-hr. composite
Total Zinc	1/week	24-hr. composite
Lethality (7-Day NOEC)		
Mysidopsis bahia	1/quarter	24-Hr. Composite
Menidia beryllina (*5)	1/quarter	24-Hr. Composite

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously (*4).

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the parshall flume prior to discharge to Patrick's Bayou.

FOOTNOTES

(*1) Compliance with the Whole Effluent Lethality limitation is required on January 10, 1995. The No Observed Effect Concentration (NOEC) is defined as the greatest effluent dilution which does not elicit lethality that is statistically different from the control (0% effluent) at the 95% confidence level. The DAILY AVERAGE MINIMUM and the 7-DAILY MINIMUM whole effluent NOEC lethality values shall not be less than 27% effluent. See Part II, Whole Effluent Toxicity Testing Requirements.

(*2) If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

(*3) The lowest NOEC test result for either species tested for the reporting period shall be submitted on the DMR as the 7-DAILY MINIMUM.

(*4) See PART II.6.

(*5) The permittee may substitute Cyprinodon variegatus where required by its current State permit. This substitution is hereby authorized only until such time as the current State permit toxics requirement is complete or expires. At that time, the permittee shall use Menidia beryllina for compliance with its NPDES toxicity testing requirements.

OUTFALL 002

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou, at a point approximately 750 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 003

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 003, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 1650 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.
(*2) See PART II.4.

OUTFALL 004

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 004, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 2450 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.
(*2) See PART II.4.

OUTFALL 005

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 005: emergency bypass of rainfall runoff and process wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
BOD_5	N/A	N/A	N/A	20 (*1)
TSS	N/A	N/A	N/A	170 (*1)
TOC	N/A	N/A	N/A	115 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)
Temperature (^oF)	N/A	N/A	N/A	120 (*1)
Ammonia - N	N/A	N/A	N/A	15 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
BOD_5	1/day (*2)	Grab
TSS	1/day (*2)	Grab
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Temperature	1/day (*2)	Garb
Ammonia - N	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously (*2).

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 250 feet south and 1300 feet west of the northeast corner of plant property.

FOOTNOTES

(*1) See PART II.3.
(*2) See PART II.4.

OUTFALL 006

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 006, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 1950 feet south and 740 feet west of the northern corner of plant property.

FOOTNOTES

(*1) See PART II.3.
(*2) See PART II.4.

OUTFALL 007

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 007, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe from the stormwater retention pond before it enters the East Branch of Patrick's Bayou.

FOOTNOTES

(*1) See PART II.3.
(*2) See PART II.4.

SECTION B. SCHEDULE OF COMPLIANCE

I. EFFLUENT LIMITATIONS COMPLIANCE SCHEDULE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

None

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

II. WHOLE EFFLUENT TOXICITY LIMITATIONS COMPLIANCE SCHEDULE

a. The permittee shall achieve sustained compliance with the Whole Effluent Lethality Limitations effective January 10, 1995.

1. The permittee shall initiate and/or continue ongoing activities to include Toxicity Reduction Evaluations (TREs) in accordance with EPA protocols designed to achieve sustained compliance with Whole Effluent Lethality limitations.

2. The permittee shall submit Progress Reports in the months of April and October outlining the status of the activities undertaken and planned to resolve the toxic discharge. Progress Reports shall include at a minimum summary of findings, corrective actions required, and data generated and shall continue until compliance is achieved.

b. No later than 14 calendar days following the date for compliance with the Whole Effluent Lethality limitations, the permittee shall notify the EPA in writing of its compliance or noncompliance.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.D.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report form postmarked no later than the 25th day of the month following the completed reporting period.

PART II
OTHER CONDITIONS

1. The "daily average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day.

2. The "daily maximum" concentration means the daily determination of concentration for any calendar day.

3. Instantaneous Maximum.

4. Samples shall be taken within the first hour after commencement of discharge.

5. Chronic toxic criteria apply at the edge of the mixing zone. The mixing zone is defined as a point 100 feet upstream of the point of discharge to a point 300 feet downstream of the point of discharge.

6. pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING

Where a permittee continuously measures the pH of wastewater pursuant to a requirement or option in a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the Clean Water Act, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except excursions from the range are permitted, provided:

(a) The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and,

(b) No individual excursion from the range of pH values shall exceed 60 minutes.

For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the permit. Both the number of individual excursions exceeding 60 minutes and the total accumulated excursion time in minutes occurring in any calendar month shall be reported in accordance with Part III.D.4 of this permit.

7. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (Chronic, Marine)

1. SCOPE, FREQUENCY AND METHODOLOGY

a. The provisions of this section are applicable to Outfall(s) 001 for whole effluent toxicity.

b. The permittee shall test the effluent for toxicity in accordance with

the provisions in this section. This testing will determine if an effluent sample dilution adversely affects the survival, reproduction or growth of the test organism.

c. The permittee shall complete the first toxicity test for each species before March 31, 1995. The permittee shall submit the results of toxicity tests on the Discharge Monitoring Report (DMR) for the appropriate reporting period.

d. The permittee shall implement all toxicity tests utilizing the test organisms, procedures and quality assurance requirements specified in this section of the permit and in accordance with the EPA manual, "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms", EPA/600-/4-87/028, or the most recent update thereof. The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and/or quality assurance requirements defined in the test methods or in this permit are not satisfied. For any test determined to be invalid, a repeat test shall be conducted and the results submitted to EPA within the required reporting period.

e. The permittee shall utilize the Mysidopsis bahia (mysid) chronic static renewal 7-day survival and growth test using (Method 1007.0). The permittee shall conduct the Mysidopsis bahia toxicity test at a frequency of once per quarter.

f. The permittee shall utilize the Menidia beryllina (Inland Silverside) chronic static renewal 7-day larval survival and growth test (Method 1006.0). A minimum of five (5) replicates with eight (8) organisms per replicate must be used for this test. The permittee shall conduct the Menidia beryllina toxicity test at a frequency of once per quarter.

g. The permittee shall use five effluent dilution concentrations in addition to a control (0% effluent) in each toxicity test. These additional effluent concentrations shall be 11%, 15%, 20%, 27%, and 36%. The low-flow effluent concentration (critical dilution) is defined as the 27% effluent.

h. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

i. Compliance with the No Observed Lethal Effect Concentration (NOEC) effluent limitation of not less than 27% is required and shall become effective January 10, 1995.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fails to meet any of the following criteria:

i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.

ii. The minimum mean dry weight of surviving mysid at the end of the 7 days in the control (0% effluent) must be 0.20 mg per mysid or greater. Should the mean dry weight in the control be less than 0.20 mg per mysid, the toxicity test, including the control and all effluent dilutions shall be repeated.

iii. The minimum mean dry weight of surviving unpreserved Inland Silverside larvae at the end of the 7 days in the control (0% effluent) must be 0.50 mg per larva or greater. The minimum mean dry weight of surviving preserved Inland silverside larvae at the end of the 7 days in the control (0% effluent) must be 0.43 mg per larva or greater.

iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for the Mysid and Inland Silverside growth test and survival test.

v. The percent coefficient of variation between replicates shall be 40% or less in the 27% effluent concentration, unless significant lethal or nonlethal effects are exhibited for the Mysid and Inland Silverside growth test and survival test.

b. Statistical Interpretation

For the Mysidopsis bahia and the Inland Silverside larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the low flow (critical dilution) effluent concentration shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms", EPA/600/4-87/028, or the most recent update thereof.

c. Dilution Water

i. Dilution water used in the toxicity tests will be receiving water from Patrick's Bayou collected as close to the point of discharge as

possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and salinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of preexisting instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

A. a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a. was run in addition to the receiving water control;

B. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

C. the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3. below; and

D. the synthetic dilution water shall have a pH, hardness and salinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

i. The permittee shall collect a minimum of three flow-weighted 24-hour composite samples from Outfall(s) 001. A 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.

ii. The permittee shall collect second and third 24-hour composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

iii. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour

composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping and/or storage.

iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3. of this section.

3. REPORTING

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms", EPA/600/4-87/028, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C. of this permit. The permittee shall submit full reports only upon the specific request of the Agency.

b. The permittee shall report the Whole Effluent Lethality values for the Daily Average Minimum and the 7-Daily Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with Part III.D. of this permit.

If more than one species is tested during the reporting period, the permittee shall report the lowest Daily Average Minimum NOEC and the lowest 7-Daily Minimum NOEC for Whole Effluent Lethality.

c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with Part III. D. of this permit, as follows:

Menidia beryllina (Inland Silverside)

i. If the Silverside minnow No Observed Effect Concentration (NOEC) for survival is less than the 27% effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP6B.

ii. Report the Inland Silverside NOEC value for survival, Parameter No. TOP6B.

iii. Report the Inland Silverside NOEC value for growth, Parameter No. TPP6B.

iv. Report the % coefficient of variation (Largest of low flow and control dilutions), Parameter No. TQP6B.

Mysidopsis bahia

i. If the Mysidopsis bahia NOEC for survival is less than the 27% effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP3E.

ii. Report the Mysidopsis bahia NOEC value for survival, Parameter No. TOP3E.

iii. Report the Mysidopsis bahia NOEC value for growth, Parameter No. TPP3E.

iv. Report the % coefficient of variation (Largest of low flow and control dilutions), Parameter No. TQP3E.

PART III
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction
In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. Duty to Comply
The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Toxic Pollutants
   a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
   b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. Duty to Reapply
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. Permit Flexibility
This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Property Rights
This permit does not convey any property rights of any sort, or any exclusive privilege.

7. Duty to Provide Information
The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

8. Criminal and Civil Liability
Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. Oil and Hazardous Substance Liability
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

10. State Laws
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

11. Severability
The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. Duty to Mitigate
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Proper Operation and Maintenance
   a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
   b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities
   a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.
   b. Notice
      (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
      (2) Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.
   c. Prohibition of bypass
      (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
         (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
         (c) The permittee submitted notices as required by Part III.B.4.b.
      (2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. Upset Conditions
   a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part III.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
      (2) The permitted facility was at the time being properly operated;
      (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
      (4) The permittee complied with any remedial measures required by Part III.B.2.
   c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances
   Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. Percent Removal
   For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry
   The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:
   a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
   c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
   d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

2. Representative Sampling
   Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. Retention of Records
   The permittee shall retain records of all monitoring

information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

4. Record Contents
Records of monitoring information shall include:
a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) and time(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

5. Monitoring Procedures
a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
a. Industrial Permits
The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,
(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part III.D.10.a.
b. Municipal Permits
Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance
The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements

3. Transfers
This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Discharge Monitoring Reports and Other Reports
Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of DMR's and all other reports shall be submitted to the appropriate State agency(ies) at the following address(es):

EPA:
Water Management Division
Enforcement Branch (6W-E)
U.S. Environmental Protection
Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:
Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
1190 Saint Francis Drive
Santa Fe, NM 87501-4182

Oklahoma (Industrial Permits Only):
Director
Oklahoma Water Resources Board
P.O. Box 150
Oklahoma City, OK 73101-0150

Louisiana:
Assistant Secretary for Water
Water Pollution Control Division
Louisiana Department of
Environmental Quality
P.O. Box 82215
Baton Rouge, LA 70884-2215

5. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. Averaging of Measurements
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. Twenty-Four Hour Reporting
a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:
(1) A description of the noncompliance and its cause;
(2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
b. The following shall be included as information which must be reported within 24 hours:
(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
(2) Any upset which exceeds any effluent limitation in the permit; and,
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.
c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. Other Noncompliance
The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B-(for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. Other Information
Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. Changes in Discharges of Toxic Substances
All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has reason to believe:
a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
(1) One hundred micrograms per liter (100 µg/L);
(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the Director.
b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
(1) Five hundred micrograms per liter (500 µg/L);
(2) One milligram per liter (1 mg/L) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the Director.

11. Signatory Requirements
All applications, reports, or information submitted to the Director shall be signed and certified.
a. All permit applications shall be signed as follows:
(1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
(b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
(3) For a municipality, State, Federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
(a) The chief executive officer of the agency, or
(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;
(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
(3) The written authorization is submitted to the Director.

c. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. Availability of Reports
Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal
a. Negligent Violations
The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
b. Knowing Violations
The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
c. Knowing Endangerment
The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.
d. False Statements
The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. Civil Penalties
The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $25,000 per day for each violation.

3. Administrative Penalties
The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
a. Class I Penalty
Not to exceed $10,000 per violation nor shall the maximum amount exceed $25,000.
b. Class II Penalty
Not to exceed $10,000 per day for each day during which the violation continues nor shall the maximum amount exceed $125,000.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed

in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

7. "Daily Average" (also known as monthly average) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow and n = number of daily samples; daily average discharge = ..

$$\frac{C_1F_1 + C_2F_2 + \ldots + C_nF_n}{F_1 + F_2 + \ldots + F_n}$$

8. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
9. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
10. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
11. "Grab sample" means an individual sample collected in less than 15 minutes.
12. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
13. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
16. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.
17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
18. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
21. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).
22. Municipal Terms:
    a. "7-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
    b. "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
    c. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
    d. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
    e. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
    f. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

20. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).

21. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).

22. Municipal Terms:
    a. "7-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
    b. "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
    c. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
    d. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
    e. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
    f. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

Permit No. TX0007048

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C... 1251 et. seq; the "Act"),

The Lubrizol Corporation
P.O. Box 158
Deer Park, Texas 77536

is authorized to discharge from a facility located on Tidal Road in Harris County, Texas

to receiving waters named Patrick's Bayou; thence to the Houston Ship Channel

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I (25 pages), II (6 pages), and III (1 page) hereof.

This permit shall become effective on January 16, 1990

This permit and the authorization to discharge shall expire at midnight, January 15, 1995

Signed and issued this 15th day of December 1989

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001 TJD: 1/16/91

During the period beginning the effective date and lasting through one year after the effective date, the permittee is authorized to discharge from Outfall 001: treated process wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
BOD_5	104	194	N/A	N/A
TSS	328	790	N/A	N/A
TOC	834	1488	N/A	N/A
Oil & Grease	83	180	N/A	N/A
Ammonia - N	96	192	N/A	N/A
Acenaphthene	0.15	0.39	N/A	N/A
Acrylonitrile	0.64	1.6	N/A	N/A
Benzene	0.25	0.9	N/A	N/A
Carbon Tetrachloride	0.12	0.25	N/A	N/A
Chlorobenzene	0.1	0.19	N/A	N/A
1,2,4-Trichlorobenzene	0.45	0.93	N/A	N/A
Hexachlorobenzene	0.1	0.19	N/A	N/A
1,2-Dichloroethane	0.45	1.4	N/A	N/A
1,1,1-Trichloroethane	0.14	0.36	N/A	
N/AHexachloroethane	0.14	0.36	N/A	N/A
1,1-Dichloroethane	0.15	0.39	N/A	N/A
1,1,2-Trichloroethane	0.14	0.36	N/A	N/A
Chloroethane	0.69	1.77	N/A	N/A
Chloroform	0.14	0.3	N/A	N/A
2-Chlorophenol	0.21	0.65	N/A	N/A
1,2-Dichlorobenzene	0.51	1.08	N/A	N/A
1,3-Dichlorobenzene	0.21	0.29	N/A	N/A
1,4-Dichlorobenzene	0.1	0.19	N/A	N/A
1,1-Dichloroethylene	0.11	0.17	N/A	N/A
1,2-trans-Dichloroethylene	0.14	0.36	N/A	N/A
2,4-Dichlorophenol	0.26	0.74	N/A	N/A
1,2-Dichloropropane	1.01	1.52	N/A	N/A

1,3-Dichloropropylene	0.19	0.29	N/A	N/A
2,4-Dimethylphenol	0.12	0.24	N/A	N/A
2,4-Dinitrotoluene	0.75	1.89	N/A	N/A
2,6-Dinitrotoluene	1.69	4.24	N/A	N/A
Ethylbenzene	0.21	0.72	N/A	N/A
Fluoranthene	0.17	0.45	N/A	N/A
Bis(2-Chloroisopropyl)Ether	1.99	5.01	N/A	N/A
Methylene Chloride	0.26	0.59	N/A	N/A
Methyl Chloride	0.57	1.26	N/A	N/A
Hexachlorobutadiene	0.13	0.32	N/A	N/A
Naphthalene	0.15	0.39	N/A	N/A
Nitrobenzene	0.18	0.45	N/A	N/A
2-Nitrophenol	0.27	0.46	N/A	N/A
4-Nitrophenol	0.48	0.82	N/A	N/A
2,4-Dinitrophenol	0.47	0.81	N/A	N/A
4,6-Dinitro-o-Cresol	0.52	1.83	N/A	N/A
Phenol	0.1	0.17	N/A	N/A
Bis(2-Ethylhexyl) Phthalate	0.68	1.85	N/A	N/A
Di-n-Butyl Phthalate	0.18	0.38	N/A	N/A
Diethyl Phthalate	0.54	1.34	N/A	N/A
Dimethyl Phthalate	0.13	0.31	N/A	N/A
Benzo(a)anthracene	0.15	0.39	N/A	N/A
Benzo(a)pyrene	0.15	0.4	N/A	N/A
3,4-Benzofluoranthene	0.15	0.4	N/A	N/A
Benzo(k)fluoranthene	0.15	0.39	N/A	N/A
Chrysene	0.15	0.39	N/A	N/A
Acenaphthylene	0.15	0.39	N/A	N/A
Fluorene	0.15	0.39	N/A	N/A
Phenanthrene	0.15	0.39	N/A	N/A
Pyrene	0.17	0.44	N/A	N/A
Tetrachloroethylene	0.15	0.37	N/A	N/A
Toluene_	0.17	0.53	N/A	N/A
Trichloroethylene	0.14	0.36	N/A	N/A
Vinyl Chloride	0.69	1.77	N/A	N/A
Total Chromium	7.35	18.34	N/A	N/A
Total Copper	0.07	0.07	N/A	N/A
Total Cyanide	0.14	0.14	N/A	N/A
Total Lead	0.76	1.6	N/A	N/A
Total Nickel	0.64	1.36	N/A	N/A
Total Zinc	1.08	2.3	N/A	N/A

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Continuous	Record
BOD_5	2/week	24-hr. composite
TSS	2/week	24-hr. composite
TOC	1/day	24-hr. composite
Oil & Grease	2/week	Grab
Temperature	3/day	In Situ
Ammonia - N	1/week	24-hr. composite
Acenaphthene	1/year	24-hr. composite
Acrylonitrile	1/year	24-hr. composite
Benzene	1/year	24-hr. composite
Carbon Tetrachloride	1/year	24-hr. composite
Chlorobenzene	1/year	24-hr. composite
1,2,4-Trichlorobenzene	1/month	24-hr. composite
Hexachlorobenzene	1/year	24-hr. composite
1,2-Dichloroethane	1/year	24-hr. composite
1,1,1-Trichloroethane	1/year	24-hr. composite
Hexachloroethane	1/year	24-hr. composite
1,1-Dichloroethane	1/year	24-hr. composite
1,1,2-Trichloroethane	1/year	24-hr. composite
Chloroethane	1/year	24-hr. composite
Chloroform	1/year	24-hr. composite
2-Chlorophenol	1/year	24-hr. composite
1,2-Dichlorobenzene	1/year	24-hr. composite
1,3-Dichlorobenzene	1/year	24-hr. composite
1,4-Dichlorobenzene	1/year	24-hr. composite
1,1-Dichloroethylene	1/year	24-hr. composite
1,2-trans-Dichloroethylene	1/year	24-hr. composite
2,4-Dichlorophenol	1/year	24-hr. composite
1,2-Dichloropropane	1/year	24-hr. composite
1,3-Dichloropropylene	1/year	24-hr. composite
2,4-Dimethylphenol	1/year	24-hr. composite
2,4-Dinitrotoluene	1/year	24-hr. composite
2,6-Dinitrotoluene	1/year	24-hr. composite
Ethylbenzene	1/month	24-hr. composite
Fluoranthene	1/year	24-hr. composite
Bis(2-Chloroisopropyl)Ether	1/year	24-hr. composite
Methylene Chloride	1/year	24-hr. composite
Methyl Chloride	1/year	24-hr. composite
Hexachlorobutadiene	1/year	24-hr. composite
Naphthalene	1/year	24-hr. composite
Nitrobenzene	1/year	24-hr. composite
2-Nitrophenol	1/year	24-hr. composite
4-Nitrophenol	1/year	24-hr. composite
2,4-Dinitrophenol	1/year	24-hr. composite

4,6-Dinitro-o-Cresol	1/year	24-hr. composite
Phenol	1/week	24-hr. composite
Bis(2-Ethylhexyl) Phthalate	1/year	24-hr. composite
Di-n-Butyl Phthalate	1/year	24-hr. composite
Diethyl Phthalate	1/year	24-hr. composite
Dimethyl Phthalate	1/year	24-hr. composite
Benzo(a)anthracene	1/year	24-hr. composite
Benzo(a)pyrene	1/year	24-hr. composite
3,4-Benzofluoranthene	1/year	24-hr. composite
Benzo(k)fluoranthene	1/year	24-hr. composite
Chrysene	1/year	24-hr. composite
Acenaphthylene	1/year	24-hr. composite
Fluorene	1/year	24-hr. composite
Phenanthrene	1/year	24-hr. composite
Pyrene	1/year	24-hr. composite
Tetrachloroethylene	1/year	24-hr. composite
Toluene	1/week	24-hr. composite
Trichloroethylene	1/year	24-hr. composite
Vinyl Chloride	1/year	24-hr. composite
Total Chromium	1/year	24-hr. composite
Total Copper	1/month	24-hr. composite
Total Cyanide	1/month	24-hr. composite
Total Lead	1/month	24-hr. composite
Total Nickel	1/month	24-hr. composite
Total Zinc	1/week	24-hr. composite

OUTFALL 001

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously (*1).

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the parshall flume prior to discharge to Patrick's Bayou

FOOTNOTES

(*1) See PART II.6.

OUTFALL 001

During the period beginning one year after the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001: treated process wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
BOD_5	104	194	N/A	N/A
TSS	328	790	N/A	N/A
TOC	834	1488	N/A	N/A
Oil & Grease	83	180	N/A	N/A
Ammonia - N	96	192	N/A	N/A
Acenaphthene	0.15	0.39	N/A	N/A
Acrylonitrile	0.64	1.6	N/A	N/A
Benzene	0.25	0.9	N/A	N/A
Carbon Tetrachloride	0.12	0.25	N/A	N/A
Chlorobenzene	0.1	0.19	N/A	N/A
1,2,4-Trichlorobenzene	0.45	0.93	N/A	N/A
Hexachlorobenzene	0.1	0.19	N/A	N/A
1,2-Dichloroethane	0.45	1.4	N/A	N/A
1,1,1-Trichloroethane	0.14	0.36	N/A	
N/AHexachloroethane	0.14	0.36	N/A	N/A
1,1-Dichloroethane	0.15	0.39	N/A	N/A
1,1,2-Trichloroethane	0.14	0.36	N/A	N/A
Chloroethane	0.69	1.77	N/A	N/A
Chloroform	0.14	0.3	N/A	N/A
2-Chlorophenol	0.21	0.65	N/A	N/A
1,2-Dichlorobenzene	0.51	1.08	N/A	N/A
1,3-Dichlorobenzene	0.21	0.29	N/A	N/A
1,4-Dichlorobenzene	0.1	0.19	N/A	N/A
1,1-Dichloroethylene	0.11	0.17	N/A	N/A
1,2-trans-Dichloroethylene	0.14	0.36	N/A	N/A
2,4-Dichlorophenol	0.26	0.74	N/A	N/A
1,2-Dichloropropane	1.01	1.52	N/A	N/A
1,3-Dichloropropylene	0.19	0.29	N/A	N/A
2,4-Dimethylphenol	0.12	0.24	N/A	N/A
2,4-Dinitrotoluene	0.75	1.89	N/A	N/A
2,6-Dinitrotoluene	1.69	4.24	N/A	N/A

Ethylbenzene	0.21	0.72	N/A	N/A
Fluoranthene	0.17	0.45	N/A	N/A
Bis(2-Chloroisopropyl)Ether	1.99	5.01	N/A	N/A
Methylene Chloride	0.26	0.59	N/A	N/A
Methyl Chloride	0.57	1.26	N/A	N/A
Hexachlorobutadiene	0.13	0.32	N/A	N/A
Naphthalene	0.15	0.39	N/A	N/A
Nitrobenzene	0.18	0.45	N/A	N/A
2-Nitrophenol	0.27	0.46	N/A	N/A
4-Nitrophenol	0.48	0.82	N/A	N/A
2,4-Dinitrophenol	0.47	0.81	N/A	N/A
4,6-Dinitro-o-Cresol	0.52	1.83	N/A	N/A
Phenol	0.1	0.17	N/A	N/A
Bis(2-Ethylhexyl) Phthalate	0.68	1.85	N/A	N/A
Di-n-Butyl Phthalate	0.18	0.38	N/A	N/A
Diethyl Phthalate	0.54	1.34	N/A	N/A
Dimethyl Phthalate	0.13	0.31	N/A	N/A
Benzo(a)anthracene	0.15	0.39	N/A	N/A
Benzo(a)pyrene	0.15	0.4	N/A	N/A
3,4-Benzofluoranthene	0.15	0.4	N/A	N/A
Benzo(k)fluoranthene	0.15	0.39	N/A	N/A
Chrysene	0.15	0.39	N/A	N/A
Acenaphthylene	0.15	0.39	N/A	N/A
Fluorene	0.15	0.39	N/A	N/A
Phenanthrene	0.15	0.39	N/A	N/A
Pyrene	0.17	0.44	N/A	N/A
Tetrachloroethylene	0.15	0.37	N/A	N/A
Toluene	0.17	0.53	N/A	N/A
Trichloroethylene	0.14	0.36	N/A	N/A
Vinyl Chloride	0.69	1.77	N/A	N/A
Total Chromium	7.35	18.34	N/A	N/A
Total Copper	0.07	0.07	N/A	N/A
Total Cyanide	0.14	0.14	N/A	N/A
Total Lead	0.76	1.6	N/A	N/A
Total Nickel	0.64	1.36	N/A	N/A
Total Zinc	0.53	1.12	N/A	N/A

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Continuous	Record
BOD_5	2/week	24-hr. composite
TSS	2/week	24-hr. composite
TOC	1/day	24-hr. composite
Oil & Grease	2/week	Grab
Temperature	3/day	In Situ
Ammonia - N	1/week	24-hr. composite
Acenaphthene	1/year	24-hr. composite
Acrylonitrile	1/year	24-hr. composite
Benzene	1/year	24-hr. composite
Carbon Tetrachloride	1/year	24-hr. composite
Chlorobenzene	1/year	24-hr. composite
1,2,4-Trichlorobenzene	1/month	24-hr. composite
Hexachlorobenzene	1/year	24-hr. composite
1,2-Dichloroethane	1/year	24-hr. composite
1,1,1-Trichloroethane	1/year	24-hr. composite
Hexachloroethane	1/year	24-hr. composite
1,1-Dichloroethane	1/year	24-hr. composite
1,1,2-Trichloroethane	1/year	24-hr. composite
Chloroethane	1/year	24-hr. composite
Chloroform	1/year	24-hr. composite
2-Chlorophenol	1/year	24-hr. composite
1,2-Dichlorobenzene	1/year	24-hr. composite
1,3-Dichlorobenzene	1/year	24-hr. composite
1,4-Dichlorobenzene	1/year	24-hr. composite
1,1-Dichloroethylene	1/year	24-hr. composite
1,2-trans-Dichloroethylene	1/year	24-hr. composite
2,4-Dichlorophenol	1/year	24-hr. composite
1,2-Dichloropropane	1/year	24-hr. composite
1,3-Dichloropropylene	1/year	24-hr. composite
2,4-Dimethylphenol	1/year	24-hr. composite
2,4-Dinitrotoluene	1/year	24-hr. composite
2,6-Dinitrotoluene	1/year	24-hr. composite
Ethylbenzene	1/month	24-hr. composite
Fluoranthene	1/year	24-hr. composite
Bis(2-Chloroisopropyl)Ether	1/year	24-hr. composite
Methylene Chloride	1/year	24-hr. composite
Methyl Chloride	1/year	24-hr. composite
Hexachlorobutadiene	1/year	24-hr. composite
Naphthalene	1/year	24-hr. composite
Nitrobenzene	1/year	24-hr. composite
2-Nitrophenol	1/year	24-hr. composite
4-Nitrophenol	1/year	24-hr. composite
2,4-Dinitrophenol	1/year	24-hr. composite

4,6-Dinitro-o-Cresol	1/year	24-hr. composite
Phenol	1/week	24-hr. composite
Bis(2-Ethylhexyl) Phthalate	1/year	24-hr. composite
Di-n-Butyl Phthalate	1/year	24-hr. composite
Diethyl Phthalate	1/year	24-hr. composite
Dimethyl Phthalate	1/year	24-hr. composite
Benzo(a)anthracene	1/year	24-hr. composite
Benzo(a)pyrene	1/year	24-hr. composite
3,4-Benzofluoranthene	1/year	24-hr. composite
Benzo(k)fluoranthene	1/year	24-hr. composite
Chrysene	1/year	24-hr. composite
Acenaphthylene	1/year	24-hr. composite
Fluorene	1/year	24-hr. composite
Phenanthrene	1/year	24-hr. composite
Pyrene	1/year	24-hr. composite
Tetrachloroethylene	1/year	24-hr. composite
Toluene	1/week	24-hr. composite
Trichloroethylene	1/year	24-hr. composite
Vinyl Chloride	1/year	24-hr. composite
Total Chromium	1/year	24-hr. composite
Total Copper	1/month	24-hr. composite
Total Cyanide	1/month	24-hr. composite
Total Lead	1/month	24-hr. composite
Total Nickel	1/month	24-hr. composite
Total Zinc	1/week	24-hr. composite

OUTFALL 001

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously (*1).

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the parshall flume prior to discharge to Patrick's Bayou

FOOTNOTES

(*1) See PART II.6.

OUTFALL 002

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

OUTFALL 002

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou, at a point approximately 750 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 003

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 003, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

OUTFALL 003

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 1650 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 004

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 004, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

OUTFALL 004

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximataly 2450 feet north of Outfall 001

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 005

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 005: emergency bypass of rainfall runoff and process wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
BOD_5	N/A	N/A	N/A	20 (*1)
TSS	N/A	N/A	N/A	170 (*1)
TOC	N/A	N/A	N/A	115 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)
Temperature (°F)	N/A	N/A	N/A	120 (*1)
Ammonia - N	N/A	N/A	N/A	15 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
BOD_5	1/day (*2)	Grab
TSS	1/day (*2)	Grab
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Temperature	1/day (*2)	Garb
Ammonia - N	1/day (*2)	Grab

OUTFALL 005

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously (*2).

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximately 250 feet south and 1300 feet west of the northeast corner of plant property.

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 006

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 006, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

OUTFALL 006

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe entering Patrick's Bayou at a point approximataly 1950 feet south and 740 feet west of the northern corner of plant property.

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

OUTFALL 007

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 007, uncontaminated stormwater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (mg/l)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	N/A	Report
TOC	N/A	N/A	N/A	75 (*1)
Oil & Grease	N/A	N/A	N/A	15 (*1)
Total Zinc	N/A	N/A	N/A	2 (*1)

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day (*2)	Instantaneous
TOC	1/day (*2)	Grab
Oil & Grease	1/day (*2)	Grab
Total Zinc	1/day (*2)	Grab

OUTFALL 007

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*2) by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall pipe from the stromwater retention pond before it enters the East Branch of Patrick's Bayou.

FOOTNOTES

(*1) See PART II.3.

(*2) See PART II.4.

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

None

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.D.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report form postmarked no later than the 25th day of the month following the completed reporting period.

The first report is due on February 25, 1990 .

PART II
OTHER CONDITIONS

1. The "daily average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day.

2. The "daily maximum" concentration means the daily determination of concentration for any calendar day.

3. Instantaneous Maximum.

4. Samples shall be taken within the first hour after commencement of discharge.

5. Acute toxic criteria apply at the edge of the zone of initial dilution (ZID). The ZID for Outfall 001 is defined as a volume with a radius of 50 feet extending over the receiving water from the point where the discharge reaches the Patrick's Bayou.

6. pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING

Where a permittee continuously measures the pH of wastewater pursuant to a requirement or option in a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the Clean Water Act, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except excursions from the range are permitted, provided:

(a) The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and,

(b) No individual excursion from the range of pH values shall exceed 60 minutes.

For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the permit. Both the number of individual excursions exceeding 60 minutes and the total accumulated excursion time in minutes occurring in any calendar month shall be reported in accordance with Part III.D.4 of this permit.

7. The permittee has been required to conduct acute biomonitoring under Order For Information No. VI-90-1112, which has an effective date of January 15, 1990.

8. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

PART III
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. **Introduction**
In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. **Duty to Comply**
The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. **Toxic Pollutants**
   a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
   b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. **Duty to Reapply**
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. **Permit Flexibility**
This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. **Property Rights**
This permit does not convey any property rights of any sort, or any exclusive privilege.

7. **Duty to Provide Information**
The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. *The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.*

8. **Criminal and Civil Liability**
Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. **Oil and Hazardous Substance Liability**
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

10. **State Laws**
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

11. **Severability**
The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. **Need to Halt or Reduce not a Defense**
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. **Duty to Mitigate**
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. **Proper Operation and Maintenance**
   a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
   b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. **Bypass of Treatment Facilities**
   a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.
   b. Notice
      (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
      (2) Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.
   c. Prohibition of bypass
      (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
         (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
         (c) The permittee submitted notices as required by Part III.B.4.b.
      (2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. **Upset Conditions**
   a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part III.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
      (2) The permitted facility was at the time being properly operated;
      (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
      (4) The permittee complied with any remedial measures required by Part III.B.2.
   c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. **Removed Substances**
   Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. **Percent Removal**
   For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

SECTION C. MONITORING AND RECORDS

1. **Inspection and Entry**
   The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:
   a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
   c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
   d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

2. **Representative Sampling**
   Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. **Retention of Records**
   The permittee shall retain records of all monitoring

information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

4. **Record Contents**
Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

5. **Monitoring Procedures**
   a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
   b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
   c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. **Flow Measurements**
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

SECTION D. REPORTING REQUIREMENTS

1. **Planned Changes**
   a. Industrial Permits
   The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
      (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,
      (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part III.D.10.a.
   b. Municipal Permits
   Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. **Anticipated Noncompliance**
The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements

3. **Transfers**
This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. **Discharge Monitoring Reports and Other Reports**
Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of DMR's and all other reports shall be submitted to the appropriate State agency(ies) at the following address(es):

EPA:
Water Management Division
Enforcement Branch (6W-E)
U.S. Environmental Protection
Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:
Program Manager
Surface Water Section
Surface Water Quality Bureau
Environmental Improvement Division
New Mexico Health and
Environment Department
1190 Saint Francis Drive
Santa Fe, NM 87503

Oklahoma (Industrial Permits):
Director
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, OK 73152-3585

Louisiana:
Assistant Secretary for Water
Water Pollution Control Division
Louisiana Department of
Environmental Quality
P.O. Box 44091
Baton Rouge, LA 70804-4091

5. **Additional Monitoring by the Permittee**
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. **Averaging of Measurements**
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. **Twenty-Four Hour Reporting**
   a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:
      (1) A description of the noncompliance and its cause;
      (2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
      (3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
   b. The following shall be included as information which must be reported within 24 hours:
      (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
      (2) Any upset which exceeds any effluent limitation in the permit; and,
      (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.
   c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. **Other Noncompliance**
The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. **Other Information**
Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. **Changes in Discharges of Toxic Substances**
All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has reason to believe:
   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
      (1) One hundred micrograms per liter (100 µg/l);
      (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4 -dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
      (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
      (4) The level established by the Director.
   b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
      (1) Five hundred micrograms per liter (500 µg/l);
      (2) One milligram per liter (1 mg/l) for antimony;
      (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
      (4) The level established by the Director.

11. **Signatory Requirements**
All applications, reports, or information submitted to the Director shall be signed and certified.
   a. All permit applications shall be signed as follows:
      (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
         (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
         (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
      (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
      (3) For a municipality, State, Federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
         (a) The chief executive officer of the agency, or
         (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
   b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;
(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
(3) The written authorization is submitted to the Director.

c. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. Availability of Reports
Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal

a. Negligent Violations
The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. Knowing Violations
The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. Knowing Endangerment
The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

d. False Statements
The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. Civil Penalties
The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $25,000 per day for each violation.

3. Administrative Penalties
The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. Class I Penalty
Not to exceed $10,000 per violation nor shall the maximum amount exceed $25,000.

b. Class II Penalty
Not to exceed $10,000 per day for each day during which the violation continues nor shall the maximum amount exceed $125,000.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed

in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

7. "Daily Average" (also known as monthly average) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow and n = number of daily samples; daily average discharge =

$$\frac{C_1F_1 + C_2F_2 + \ldots + C_nF_n}{F_1 + F_2 + \ldots + F_n.}$$

8. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
9. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
10. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
11. "Grab sample" means an individual sample collected in less than 15 minutes.
12. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
13. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
16. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.
17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
18. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/l" shall mean milligrams per liter or parts per million (ppm).
21. The term "µg/l" shall mean micrograms per liter or parts per billion (ppb).
22. Municipal Terms:
    a. "7-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
    b. "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
    c. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
    d. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
    e. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
    f. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "CONSENT AGREEMENT AND ORDER ASSESSING ADMINISTRATIVE PENALTIES" to the following persons at the addresses listed below:

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 158, 41 Tidal Road
Deer Park, Texas 77536-0158

Mr. Rick Ruddell
Section Chief, Enforcement
Watershed Management Division
Texas Water Commission
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Date: JAN 04 1993

Ruth Gibson

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

11-27-92 0360582 0582624 28 001 18 92-1617

PNB PEOPLES NATIONAL BANK
P.O. BOX 999
PASADENA, TEXAS 77501-0999

RECEIVED
EPA REGION 6
1992 NOV 30 PM 1:51
HEARING CLERK SECTION

54457

88-1551/1130

REMITTER The Lubrizol Corporation

DATE 11/19/92

PAY TO THE ORDER OF **Treasurer of the United States ***$100,000.00***
Regional Hearing Clerk (GC)
US EPA Reg[illegible] THE SUM ONE HUNDRED THOUSAND DOLS 00 CTS

CASHIER'S CHECK

TWO SIGNATURES REQUIRED IF OVER $50,000.00

NOTICE TO CUSTOMERS
THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE THIS CHECK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.

Diane Morgan

⑈054457⑈ ⑆113015513⑆ 000 0019⑈ ⑈0010000000⑈

JAN 04 1993

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 527 826)

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 148
Deer Park, Texas 77536-0158

Re: Consent Agreement and Order Assessing Administrative Penalties
Docket No. VI-92-1617
NPDES Permit No. TX0007048

Dear Mr. Hodge:

This is to acknowledge receipt of your letter dated November 23, 1992, transmitting the "Consent Agreement and Order Assessing Administrative Penalties" signed by yourself. As no comments were received from the general public during the thirty (30) day public notice period, the Environmental Protection Agency hereby issues this Final Consent Agreement and Order.

The Consent Agreement shall become effective thirty (30) days after the date of issuance noted therein. Penalty payment is due at this time.

If you have any questions regarding this matter, please contact Mr. Everett Spencer at telephone (214) 655-8060.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

cc: Mr. Rick Ruddell
Section Chief, Enforcement
Watershed Management Division
Texas Water Commission

bcc: Gair (EN-338)
Ellison (6W-EA)
Spencer (6W-ET)
Meacham (6X)
Goetz (6X)
Read File (6W-E)
Ayers (6E-H)
L. Vaughn (6C-G)
W. Davis (6M-CF)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

1993 JAN -4 PM 2:43

REGIONAL HEARING CLERK
EPA REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-92-1617
	§	
THE LUBRIZOL CORPORATION	§	
P.O. BOX 158, 41 TIDAL ROAD	§	
DEER PARK, TEXAS 77536-0158	§	
	§	
NPDES PERMIT NO. TX0007048	§	

CONSENT AGREEMENT AND ORDER

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. The Lubrizol Corporation (hereinafter the "Respondent"), a person within the meaning of the Act, owns or operates a facility located at 41 Tidal Road, Deer Park, Texas 77536-0158 which discharges to the Patrick Bayou, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq. including Section 309(g) of the Act, 33 U.S.C. § 1319(g).

2. On June 10, 1992, EPA Region 6 issued to Respondent, and on or about July 17, 1992, notified the public of an Administrative Complaint, Docket No. VI-92-1617, which included allegations of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On June 10, 1992, the State of Texas was given an opportunity to consult with EPA regarding the Administrative Complaint against the Respondent.

4. The Administrative Compliant alleges that the Respondent failed to comply with Part I.A. of NPDES Permit No. TX0007048, which condition implements Section 309 of the Act, 33 U.S.C. § 1319, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by discharging in amounts or concentrations in excess of permit effluent limitations as follow:

Date	Outfall	Parameter	Exceedance	Limitation
07/90	002	O&G, daily max.	20.8 mg/l	15 mg/l
09/90	003	O&G, daily max.	65.2 mg/l	15 mg/l
11/90	001	Phenol, daily avg.	.14 lbs/day	.10 lbs/day
		Phenol, daily max.	.39 lbs/day	.17 lbs/day
12/90	001	1,2,4-Trichloro Benzene, daily max.	1.00 lbs/day	.93 lbs/day
		Phenol, daily avg.	2.06 lbs/day	.10 lbs/day
		Phenol, daily max.	7.90 lbs/day	.17 lbs/day
01/91	001	BOD, daily max.	263 lbs/day	194 lbs/day
		Phenol, daily avg.	60.9 lbs/day	.10 lbs/day
		Phenol, daily max.	304 lbs/day	.17 lbs/day

Date	Outfall	Parameter	Exceedance		Limitation	
02/91	001	BOD, daily max.	246	lbs/day	194	lbs/day
		Phenol, daily avg.	.74	lbs/day	.10	lbs/day
		Phenol, daily max.	2.83	lbs/day	.17	lbs/day
03/91	001	BOD, daily max.	258	lbs/day	194	lbs/day
		Zinc, daily avg.	.81	lbs/day	.53	lbs/day
		Zinc, daily max.	1.53	lbs/day	1.12	lbs/day
04/91	001	BOD, daily avg.	129.9	lbs/day	104	lbs/day
		BOD, daily max.	427	lbs/day	194	lbs/day
		Zinc, daily avg.	.55	lbs/day	.53	lbs/day
		Zinc, daily max.	1.13	lbs/day	1.12	lbs/day
	002	O&G, daily max.	21.1	mg/l	15	mg/l
05/91	001	Zinc, daily avg.	3.7	lbs/day	.53	lbs/day
		Zinc, daily max.	32.4	lbs/day	1.12	lbs/day
	002	O&G, daily max.	42.0	mg/l	15	lbs/day
06/91	001	Zinc, daily avg.	.69	lbs/day	.53	lbs/day
	003	O&G, daily max.	35.5	mg/l	15	mg/l
07/91	001	Zinc, daily avg.	1.29	lbs/day	.53	lbs/day
		Zinc, daily max.	3.07	lbs/day	1.12	lbs/day
08/91	001	Zinc, daily avg.	.76	lbs/day	.53	lbs/day
		Zinc, daily max.	1.58	lbs/day	1.12	lbs/day
09/91	001	Zinc, daily avg.	.83	lbs/day	.53	lbs/day
	003	pH, daily min.	3.18	s.u.	6.0	s.u.
10/91	001	Zinc, daily avg.	1.64	lbs/day	.53	lbs/day
		Zinc, daily max.	3.07	lbs/day	1.12	lbs/day
		Phenol, daily max.	.20	lbs/day	.17	lbs/day
11/91	001	Zinc, daily avg.	1.75	lbs/day	.53	lbs/day
		Zinc, daily max.	3.12	lbs/day	1.12	lbs/day
12/91	001	Zinc, daily avg.	2.01	lbs/day	.53	lbs/day
		Zinc, daily max.	3.3	lbs/day	1.12	lbs/day
	002	O&G, daily max.	22.1	mg/l	15	mg/l
01/92	001	TOC, daily max.	2624	lbs/day	1488	lbs/day
		Zinc, daily avg.	1.17	lbs/day	.53	lbs/day
		Zinc, daily max.	1.83	lbs/day	1.12	lbs/day
	002	O&G, daily max.	36.7	mg/l	15	mg/l

Date	Outfall	Parameter	Exceedance	Limitation
02/92	001	Zinc, daily avg.	1.67 lbs/day	.53 lbs/day
		Zinc, daily max.	2.49 lbs/day	1.12 lbs/day
03/92	001	Zinc, daily avg.	.99 lbs/day	.53 lbs/day
		Zinc, daily max.	1.40 lbs/day	1.12 lbs/day
04/92	001	Zinc, daily avg.	.94 lbs/day	.53 lbs/day
		Zinc, daily max.	2.78 lbs/day	1.12 lbs/day
	002	pH, daily max.	9.4 s.u.	9.0 s.u.
	003	pH, daily max.	9.3 s.u.	9.0 s.u.
	006	pH, daily max	9.8 s.u.	9.0 s.u.
05/92	001	Zinc, daily avg.	1.42 lbs/day	.53 lbs/day
		Zinc, daily max.	2.88 lbs/day	1.12 lbs/day
06/92	002	pH, daily max.	9.59 s.u.	9.0 s.u.
	003	pH, daily min.	3.00 s.u.	6.0 s.u
		pH, daily max.	9.64 s.u.	9.0 s.u.
	006	pH, daily max.	10.3 s.u.	9.0 s.u.

III. Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the alleged exceedences, Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the alleged exceedences, and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent and successors or assigns.

2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
Water Enforcement Branch
1445 Ross Avenue
Dallas, Texas 75202-2733

3. The Respondent shall pay $100,000.00 to settle the action initiated by the Administrative Complaint.

4. The payment shall be made by mailing the money order, cashier's check, or certified check payable to Treasurer of the United States, within thirty (30) days of the effective date of this document, to the following address:

Regional Hearing Clerk (6C)
U.S. EPA, Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

Docket No.VI-92-1617 should be clearly typed on the check to ensure credit.

Respondent shall send simultaneous notices of such payment, including a copy of the money order, cashier's check or certified check to the following:

Ms. Ruth Gibson (6W-EA)
Water Management Division
Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Your adherence to these procedures will ensure proper credit when payment is received.

If EPA does not receive payment within thirty (30) days of the due date, interest will accrue on the amount due from the due date at the current annual rate prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletin per annum through the date of payment.

The due date is the date specified in the Consent Agreement for payment.

If the payment is overdue, EPA will also impose a late-payment handling charge of $15, with an additional delinquent notice charge of $15 for each subsequent 30-day period. Finally, EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the due date.

Other penalties for failure to make a timely payment may also apply.

5. EPA and the Respondent agree that the allegations set forth in the Administrative Complaint and this Consent Agreement are hereby settled and

compromised. The entry of this Consent Agreement shall not constitute an admission by the Respondent of any of the allegations set forth in the Administrative Complaint or this Consent Agreement.

IV. General Provisions

1. Neither EPA nor the United States shall institute any judicial or administrative action against Respondent under the Act or any other law, rule or regulation to the extent such action is based on the exceedances alleged in the Administrative Complaint or in this Consent Agreement. However, pursuant to Section 309(g)(7) of the Act, issuance or compliance with this order does not exempt Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued pursuant thereto.

2. Failure by Respondent to pay in full the settlement amount under this Consent Agreement by its due date may subject Respondent to a civil action to collect the settlement amount plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the settlement amount and of this Consent Agreement shall not be subject to review.

3. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on the Administrative Complaint and to judicial review of this Consent Agreement.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.

J. E. Hodge

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 148
Deer Park, Texas 77536-0158

Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)
EPA Region 6

Issued this JAN 04 1993 day of _____, 1992.

A M Davis for BJW

B. J. Wynne
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "Administrative Complaint, Findings of Violation, Notice of Proposed Order Assessing a Civil Penalty and Notice of Opportunity to Request a Hearing Thereon", and a copy of the attached Consolidated Rules for Penalties and the 40 CFR 22 and amendments to the following person at the address below:

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 158
Deer Park, Texas 77536

I further certify that on the same date below I sent by regular mail a copy of this document to the following person at the address listed below:

Mr. Tom Haberle
Wastewater Enforcement
Texas Water Commission
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Date: June 11, 1992 Ruth Gibson

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

JUN 1 0 1992

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 435 987 198)

Mr. Tom Haberle, Acting Chief
Wastewater Enforcement
Texas Water Commission
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Re: Notice of Proposed Administrative Penalty Assessment
Docket No. VI-92-1617
NPDES Permit No. TX0007048

Dear Mr. Haberle:

Enclosed is a copy of the administrative complaint which the Administrator of the United States Environmental Protection Agency (EPA) proposes to issue to the Lubrizol Corporation pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g). The Administrator proposes to issue the complaint to begin the process to administratively assess a Class II civil penalty of $125,000 against the Lubrizol Corporation for violations of the Clean Water Act. Because the violations have occurred in the State of Texas, EPA is offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference with Mr. Everett H. Spencer within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference or if you have any comments or questions regarding the matter, please call Mr. Everett H. Spencer at telephone (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson
Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

bcc: Gair (EN-338)
Spencer (6W-ET)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
L. Vaughn (6C-G)
Lassiter (EN-338)

JUN 1 0 1992

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 435 987 197)

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 150
Deer Park, Texas 77536

Re: Notice of Proposed Assessment of a Class II Civil Penalty
Docket No. VI-92-1617
NPDES Permit No. TX0007048

Dear Mr. Hodge:

Enclosed is a document entitled "Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing Thereon" (hereinafter the "Complaint"). We have filed this Complaint against the Lubrizol Corporation under the authority of Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). In the Complaint, the U.S. Environmental Protection Agency (EPA) alleges that the Lubrizol Corporation has violated various provisions of the Clean Water Act, its implementing regulations, and the terms of the NPDES permit issued under the authority of the Act. The violations the EPA is alleging are specifically set out in Section II of the Complaint.

By law, you have a right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please pay particular attention to the Complaint Section IV entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within twenty (20) days of your receipt of the Complaint, you will waive your right to such a hearing and, the proposed civil penalty may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

Whether or not you request a hearing, we invite you to confer informally with the EPA concerning the alleged violations and the amount of the proposed penalty. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. The EPA encourages all parties

against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference. If such a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement signed by you and by the Regional Administrator of EPA Region 6. The issuance of such a Consent Agreement shall constitute a waiver by you of your right to a hearing on, and to a Judicial appeal of, the agreed civil penalty.

A request for an informal conference does not extend the twenty (20) days by which you must request or waive a hearing on the proposed penalty assessment; the two procedures can be pursued simultaneously. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Mr. Everett H. Spencer, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, or telephone (214) 655-6475.

We urge your prompt attention to this matter.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P. E.
Director
Water Management Division (6W)

Enclosures

cc: Mr. Tom Haberle
Wastewater Enforcement
Texas Water Commission

bcc: Gair (EN-338)
Spencer (6W-ET)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Lorena Vaughn (6C-G)
Lassiter (EN-338)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-92-1617
	§	
THE LUBRIZOL CORPORATION	§	
P.O. BOX 158, 41 TIDAL ROAD	§	
DEER PARK, TEXAS 77536-0158	§	PROPOSAL TO ASSESS
	§	CLASS II
NPDES PERMIT NO. TX00007048	§	ADMINISTRATIVE PENALTY
	§	Under CWA § 309(g)

ADMINISTRATIVE COMPLAINT,
FINDINGS OF VIOLATION,
NOTICE OF PROPOSED ASSESSMENT OF
A CIVIL PENALTY, AND NOTICE OF OPPORTUNITY
TO REQUEST A HEARING THEREON

I. Statutory Authority

The following Findings are made and Notices given under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6 who redelegated these authorities to the Director of the Water Management Division of EPA Region 6, who hereby issues this Complaint and Notice.

II. Findings of Violation

1. The Lubrizol Corporation (hereinafter the "Respondent"), a person within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), owns or operates a facility located at 41 Tidal Road, Deer Park, Texas 77536-0158, which discharges pollutants to the Patrick Bayou, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.

2. The Respondent has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a), by violating condition Part I.A. of NPDES Permit No. TX0007048, which condition implements Section 309 of the Act, 33 U.S.C. § 1319 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by discharging in amounts or concentrations in excess of permit effluent limitations as follow:

Date	Outfall	Parameter	Exceedance	Limitations
07/90	002	O & G, daily max.	20.8 mg/l	15 mg/l
09/90	003	O & G, daily max.	65.2 mg/l	15 mg/l
11/90	001	Phenol, daily avg.	.14 lbs/day	.10 lbs/day
		Phenol, daily max.	.39 lbs/day	.17 lbs/day
12/90	001	1,2,4-Trichloro Benzene, daily max.	1.00 lbs/day	.93 lbs/day
		Phenol, daily avg.	2.06 lbs/day	.10 lbs/day
		Phenol, daily max.	7.90 lbs/day	.17 lbs/day
01/91	001	BOD, daily max.	263 lbs/day	194 lbs/day
		Phenol, daily avg.	60.9 lbs/day	.10 lbs/day
		Phenol, daily max.	304 lbs/day	.17 lbs/day
02/91	001	BOD, daily max.	246 lbs/day	194 lbs/day
		Phenol, daily avg.	.74 lbs/day	.10 lbs/day
		Phenol, daily max.	2.83 lbs/day	.17 lbs/day
03/91	001	BOD, daily max.	258 lbs/day	194 lbs/day
		Zinc, daily avg.	.81 lbs/day	.53 lbs/day
		Zinc, daily max.	1.53 lbs/day	1.12 lbs/day
04/91		BOD, daily avg.	129.9 lbs/day	104 lbs/day
		BOD, daily max.	427 lbs/day	194 lbs/day
		Zinc, daily avg.	.55 lbs/day	.53 lbs/day
		Zinc, daily max.	1.13 lbs/day	1.12 lbs/day
	002	O & G, daily max.	21.1 mg/l	15 mg/l

Date	Outfall	Parameter	Exceedance	Limitations
05/91	001	Zinc, daily avg.	3.7 lbs/day	.53 lbs/day
		Zinc, daily max.	32.4 lbs/day	1.12 lbs/day
	002	O & G, daily max.	42.0 mg/l	15 lbs/day
06/91	001	Zinc, daily avg.	.69 lbs/day	.53 lbs/day
	003	O & G, daily max.	35.5 lbs/day	15 lbs/day
07/91	001	Zinc, daily avg.	1.29 lbs/day	.53 lbs/day
		Zinc, daily max.	3.07 lbs/day	1.12 lbs/day
08/91	001	Zinc, daily avg.	.76 lbs/day	.53 lbs/day
		Zinc, daily max.	1.58 lbs/day	1.12 lbs/day
09/91	001	Zinc, daily avg.	.83 lbs/day	.53 lbs/day
	003	pH, daily min.	3.18 s.u.	6.0 s.u.
10/91	001	Zinc, daily avg.	1.64 lbs/day	.53 lbs/day
		Zinc, daily max.	3.07 lbs/day	1.12 lbs/day
		Phenol, daily max.	.20 lbs/day	.17 lbs/day
11/91	001	Zinc, daily avg.	1.75 lbs/day	.53 lbs/day
		Zinc, dily max.	3.12 lbs/day	1.12 lbs/day
12/91	001	Zinc, daily avg.	2.01 lbs/day	.53 lbs/day
		Zinc, daily max.	3.3 lbs/day	1.12 lbs/day
	002	O & G, daily max.	22.1 mg/l	15 mg/l
01/92	001	TOC, daily max.	2624 lbs/day	1488 lbs/day
		Zinc, daily avg.	1.17 lbs/day	.53 lbs/day
		Zinc, daily max.	1.83 lbs/day	1.12 lbs/day
	002	O & G, daily max.	36.7 mg/l	15 mg/l
02/92	001	Zinc, daily avg.	1.67 lbs/day	.53 lbs/day
		Zinc, daily max.	2.49 lbs/day	1.12 lbs/day
03/92	001	Zinc, daily avg.	.99 lbs/day	.53 lbs/day
		Zinc, daily max.	1.40 lbs/day	1.12 lbs/day

3. EPA has consulted with the State of Texas regarding this proposed action by mailing a copy of this document to the appropriate State official and offering an opportunity for the State to consult with the EPA on this proposed penalty assessment.

III. Notice of Proposed Order Assessing A Civil Penalty

Based on the foregoing Findings of Violation and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby proposes to issue a Final Order Assessing Administrative Penalties to the Respondent assessing a penalty of $125,000, which constitutes less than $10,000 per violation cited above. The proposed penalty amount was determined by the EPA after taking into account the nature, circumstances, extent and gravity of the violation or violations, the Respondent's prior compliance history, degree of culpability for the cited violations, any economic benefit and savings accruing to Respondent by virtue of the violations, and the Respondent's ability to pay the proposed penalty. All factors are identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). The Final Order Assessing Administrative Penalties may be issued twenty (20) days) after Respondent's receipt of this Notice unless the Respondent, within that time, requests a hearing on this Notice pursuant to the following section.

IV. Notice of Opportunity to Request a Hearing

1. Respondent may, pursuant to Section 309(g), of the Act, 33 U.S.C. § 1319(g), request within twenty (20) days of receipt of this Notice, a hearing on the civil penalty assessment proposed herein. At the hearing the Respondent may contest any material fact contained in the Findings of Violation at Section II above and the appropriateness of the proposed penalty described in Section III above. The procedures for the hearing, if one is requested, are set out in the 40 CFR Part 22, "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", and amendments to the 40 CFR Part 22.38, copies of which are attached hereto for your convenience.

2. Respondent must send any request for a hearing to:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. Be aware that should you request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should you not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties and only members of the public who commented on this proposal will have an additional

thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon. Such a petition will only be granted and the hearing held if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

4. Neither assessment nor payment of the administrative civil penalty pursuant to this section of the Act shall affect your continuing obligation to comply with the Act, with every term and condition of your NPDES permit, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), ordering cessation of the violations alleged herein.

Date: JUN 1 0 1992

Myron O. Knudson, P.E.
Director
Water Management Division (6W)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

OCT 0 6 1992

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 399 612 640)

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 158
Deer Park, Texas 77536-0158

Re: Consent Agreement and Order Assessing Administrative Penalties
Docket No. VI-92-1617
NPDES Permit No. TX0007048

Dear Mr. Hodge:

Enclosed are two copies of the "Consent Agreement and Order Assessing Administrative Penalties" as agreed upon on in the July 29, 1992, meeting and confirmed in your August 5, 1992, letter. You should mail the two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) within ten (10) days of receipt of this Agreement. This Consent Agreement shall become effective thirty (30) days after the date it is signed by the Regional Administrator and issued.

Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9).

Payment of the penalty is to be made to the designated lockbox for this Region listed in III.3 of the attached Order with copies to the appropriate persons listed in III.3. The check must include the docket number referenced above.

If you have any questions regarding this matter, please contact Mr. Everett H. Spencer, at telephone (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

cc: Mr. Rick Ruddell
Section Chief, Enforcement
Watershed Management Division
Texas Water Commission

bcc: R. File (6W-E)
Spencer (6W-ET)
Gair (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Ayers (6E-H)
L. Vaughn (6C-G)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-92-1617
	§	
THE LUBRIZOL CORPORATION	§	
P.O. BOX 158, 41 TIDAL ROAD	§	
DEER PARK, TEXAS 77536-0158	§	ASSESSMENT CLASS II
	§	ADMINISTRATIVE PENALTY
NPDES PERMIT NO. TX0007048	§	ON CONSENT UNDER CWA § 309(g)

CONSENT AGREEMENT AND ORDER
ASSESSING ADMINISTRATIVE PENALTIES

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings of Violation

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. The Lubrizol Corporation (hereinafter the "Respondent"), a person within the meaning of the Act, owns or operates a facility located at 41 Tidal Road, Deer Park, Texas 77536-0158 which discharges pollutants to the Patrick Bayou, a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq. including Section 309(g) of the Act, 33 U.S.C. § 1319(g).

2. On June 10, 1992, EPA Region 6 issued to Respondent, and on or about July 17, 1992, notified the public of an Administrative Complaint, Docket No. VI-92-1617, which included formal findings of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On June 10, 1992, the State of Texas was given an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent.

4. The Administrative Compliant alleges that the Respondent has violated Part I.A. of NPDES Permit No. TX0007048, which condition implements Section 309 of the Act, 33 U.S.C. § 1319, and which permit has been issued to Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342, by discharging in amounts or concentrations in excess of permit effluent limitations as follow:

Date	Outfall	Parameter	Exceedance	Limitation
07/90	002	O&G, daily max.	20.8 mg/l	15 mg/l
09/90	003	O&G, daily max.	65.2 mg/l	15 mg/l
11/90	001	Phenol, daily avg.	.14 lbs/day	.10 lbs/day
		Phenol, daily max.	.39 lbs/day	.17 lbs/day
12/90	001	1,2,4-Trichloro Benzene, daily max.	1.00 lbs/day	.93 lbs/day
		Phenol, daily avg.	2.06 lbs/day	.10 lbs/day
		Phenol, daily max.	7.90 lbs/day	.17 lbs/day
01/91	001	BOD, daily max.	263 lbs/day	194 lbs/day
		Phenol, daily avg.	60.9 lbs/day	.10 lbs/day
		Phenol, daily max.	304 lbs/day	.17 lbs/day

Date	Outfall	Parameter	Exceedance		Limitation	
02/91	001	BOD, daily max.	246	lbs/day	194	lbs/day
		Phenol, daily avg.	.74	lbs/day	.10	lbs/day
		Phenol, daily max.	2.83	lbs/day	.17	lbs/day
03/91	001	BOD, daily max.	258	lbs/day	194	lbs/day
		Zinc, daily avg.	.81	lbs/day	.53	lbs/day
		Zinc, daily max.	1.53	lbs/day	1.12	lbs/day
04/91	001	BOD, daily avg.	129.9	lbs/day	104	lbs/day
		BOD, daily max.	427	lbs/day	194	lbs/day
		Zinc, daily avg.	.55	lbs/day	.53	lbs/day
		Zinc, daily max.	1.13	lbs/day	1.12	lbs/day
	002	O&G, daily max.	21.1	mg/l	15	mg/l
05/91	001	Zinc, daily avg.	3.7	lbs/day	.53	lbs/day
		Zinc, daily max.	32.4	lbs/day	1.12	lbs/day
	002	O&G, daily max.	42.0	mg/l	15	lbs/day
06/91	001	Zinc, daily avg.	.69	lbs/day	.53	lbs/day
	003	O&G, daily max.	35.5	mg/l	15	mg/l
07/91	001	Zinc, daily avg.	1.29	lbs/day	.53	lbs/day
		Zinc, daily max.	3.07	lbs/day	1.12	lbs/day
08/91	001	Zinc, daily avg.	.76	lbs/day	.53	lbs/day
		Zinc, daily max.	1.58	lbs/day	1.12	lbs/day
09/91	001	Zinc, daily avg.	.83	lbs/day	.53	lbs/day
	003	pH, daily min.	3.18	s.u.	6.0	s.u.
10/91	001	Zinc, daily avg.	1.64	lbs/day	.53	lbs/day
		Zinc, daily max.	3.07	lbs/day	1.12	lbs/day
		Phenol, daily max.	.20	lbs/day	.17	lbs/day
11/91	001	Zinc, daily avg.	1.75	lbs/day	.53	lbs/day
		Zinc, daily max.	3.12	lbs/day	1.12	lbs/day
12/91	001	Zinc, daily avg.	2.01	lbs/day	.53	lbs/day
		Zinc, daily max.	3.3	lbs/day	1.12	lbs/day
	002	O&G, daily max.	22.1	mg/l	15	mg/l
01/92	001	TOC, daily max.	2624	lbs/day	1488	lbs/day
		Zinc, daily avg.	1.17	lbs/day	.53	lbs/day
		Zinc, daily max.	1.83	lbs/day	1.12	lbs/day
	002	O&G, daily max.	36.7	mg/l	15	mg/l

Date	Outfall	Parameter	Exceedance	Limitation
02/92	001	Zinc, daily avg.	1.67 lbs/day	.53 lbs/day
		Zinc, daily max.	2.49 lbs/day	1.12 lbs/day
03/92	001	Zinc, daily avg.	.99 lbs/day	.53 lbs/day
		Zinc, daily max.	1.40 lbs/day	1.12 lbs/day
04/92	001	Zinc, daily avg.	.94 lbs/day	.53 lbs/day
		Zinc, daily max.	2.78 lbs/day	1.12 lbs/day
	002	pH, daily max.	9.4 s.u.	9.0 s.u.
	003	pH, daily max.	9.3 s.u.	9.0 s.u.
	006	pH, daily max	9.8 s.u.	9.0 s.u.
05/92	001	Zinc, daily avg.	1.42 lbs/day	.53 lbs/day
		Zinc, daily max.	2.88 lbs/day	1.12 lbs/day
06/92	002	pH, daily max.	9.59 s.u.	9.0 s.u.
	003	pH, daily min.	3.00 s.u.	6.0 s.u
		pH, daily max.	9.64 s.u.	9.0 s.u.
	006	pH, daily max.	10.3 s.u.	9.0 s.u.

III. Penalty Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the alleged violations, Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent and successors or assigns.

2. The Respondent shall mail two (2) copies of the Consent agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
Water Enforcement Branch
1445 Ross Avenue
Dallas, Texas 75202-2733

3. The Respondent shall pay $100,000.00 to settle the action initiated by the Administrative Complaint.

4. The payment shall be made by mailing the money order, cashier's check, or certified check payable to Treasurer of the United States, within thirty (30) days of the effective date of this document, to the following address:

Regional Hearing Clerk (6C)
U.S. EPA, Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

Docket No.VI-92-1617 should be clearly typed on the check to ensure credit.

Respondent shall send simultaneous notices of such payments, including copies of the money order, cashier's check or certified check to the following:

Ms. Ruth Gibson (6W-EA)
Water Management Division
Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Your adherence to these procedures will ensure proper credit when payments are received.

If EPA does not receive payment within thirty (30) days of the due date, interest will accrue on the amount due from the due date at the current annual rate prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletin per annum through the date of payment.

The due date is the date or dates specified in the Consent Agreement for payment.

If the payment is overdue, EPA will also impose a late-payment handling charge of $15, with an additional delinquent notice charge of $15 for each subsequent 30-day period. Finally, EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the due date.

Other penalties for failure to make a timely payment may also apply.

IV. General Provisions

1. Neither EPA nor the United States shall institute any judicial or administrative action against Respondent under the Act or any other law, rule or regulation to the extent such action is based on the exceedances alleged in the Administrative Complaint or in this Consent Agreement. However, pursuant to Section 309(g)(7) of the Act, issuance or compliance with this order does not except Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued pursuant thereto.

2. Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the penalty and of this Consent Agreement shall not be subject to review.

3. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this penalty assessment and to judicial review of this administrative penalty assessment.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C),

by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.

Mr. J. E. Hodge
General Manager, Texas Plants
The Lubrizol Corporation
P.O. Box 148
Deer Park, Texas 77536-0158

Myron O. Knudson, P.E.
Director
Water Management Division (6W)
EPA Region 6

Issued this _____ day of _____, 1992.

B. J. Wynne
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733